



Nathan R. Hoeschen
I.M. Pei Building
1105 North Market Street, 12th Floor
Wilmington, DE 19801
(302) 298-0700
(302) 298-0709 – Direct
nhoeschen@shawkeller.com

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BY CM/ECF & HAND DELIVERY

The Honorable Colm F. Connolly
United States District Court
844 N. King Street
Wilmington, DE 19801

Re: *VoiceAge EVS LLC v. HMD Global Oy*, C.A. No. 19-1945-CFC

Dear Judge Connolly:

Pursuant to D. Del. LR 7.1.2(b), Defendant HMD Global Oy (“HMD”) respectfully notifies the Court of recent subsequent authority, *Uniloc USA Inc., et al. v. Apple, Inc.* (Case No. C 18-00358) (N.D. Cal. December 4, 2020) (“*Uniloc*”) (attached as Exhibit 1) relevant to HMD’s Motion to Dismiss Plaintiff’s Complaint Pursuant to Fed. Rs. Civ. P. 12(b)(1) and 12(b)(6). D.I. 7.

In *Uniloc*, District Judge William Alsup held that the plaintiffs’ patent license and ownership documents—which granted their funder Fortress Capital broad sublicensable rights in the asserted patents—divested those plaintiffs of exclusionary rights in the asserted patents and thus created an incurable defect in Article III standing. (*Uniloc* at 6, 11-13). This holding supports the arguments made in HMD’s Opening Brief (D.I. 8) at pages 10–16, and in its Reply Brief (D.I. 15) at pages 8–10, that Plaintiff Voiceage EVS has failed to establish standing through its license and ownership agreements and those of its predecessors and funder—the very same Fortress Capital. Of note, Judge Alsup’s analysis of Federal Circuit precedent regarding exclusionary rights and Article III standing in patent infringement suits, *Uniloc* at 3-6, is contrary to the analysis in Plaintiff’s Answering Brief (D.I. 12) at pages 5-7, parallels the analysis in HMD’s Opening Brief (D.I. 8) at pages 7-9, and supports HMD’s motion.

SHAW KELLER LLP

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Respectfully submitted,

/s/ Nathan R. Hoeschen

Nathan R. Hoeschen (No. 6232)

cc: Clerk of the Court (by hand delivery)
All counsel of record (by CM/ECF and e-mail)